

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARBARA E. VARNER,
Plaintiff,

vs.

CIVIL ACTION
NO. 1:CV 01-0725

COMMONWEALTH OF PENNSYLVANIA,
NINTH JUDICIAL DISTRICT,
CUMBERLAND COUNTY; CUMBERLAND
COUNTY; S. GARETH GRAHAM,
individually, and JOSEPH
OSENKARSKI, individually,
Defendants.

(JUDGE YVETTE KANE)

VOLUME 1

Pages 1 to 228

Deposition of: BARBARA E. VARNER

Taken by : Defendant Cumberland County

Date : January 27, 2003, 9:35 a.m.

Before : Emily Clark, RMR, Reporter-Notary

Place : Administrative Offices of
Pennsylvania Courts
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania

APPEARANCES:

DEBRA K. WALLET, ESQUIRE
For - Plaintiff

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS
BY: A. TAYLOR WILLIAMS, ESQUIRE
For - Defendant Commonwealth of Pennsylvania
Ninth Judicial District, Cumberland County

THOMAS, THOMAS & HAFFER
BY: JAMES K. THOMAS, II, ESQUIRE
PAUL J. DELLASEGA, ESQUIRE
For - Defendant Cumberland County

1 emphasis was on family involvement and keeping the
2 children in the home. So Lynn and I spoke about this,
3 that she was working on this grant and that she was the
4 same age, she was a criminal justice major with me at
5 school. And --

6 Q I thought you were a social science major?

7 A. That was my associate degree. My undergrad was in
8 criminal justice.

9 Q Okay.

10 A. And she had spoke to me about this position, how it
11 would be a nice blend of my criminal justice degree plus
12 my Family Preservation experience, and recommended that
13 I should apply for the position.

14 Q When was that conversation?

15 A. I think her internship was the summer of '94.

16 Q Were there any other factors that influenced your
17 decision to apply for a transfer to the Probation
18 Department?

19 A. I had met with Mr. Osenkowski and we had discussed the
20 position. He was aware that my degree was in criminal
21 justice and he knew what my background was with Children
22 and Youth as protective services.

23 I also liked the idea that it was not a
24 micromanaged department, that you were more independent
25 and that Mr. Osenkowski trusted you to be able to manage

1 your own time and do your own thing, which was different
2 than it was with Children and Youth.

3 But mostly is my field was criminal justice and I
4 really wanted to be able to get into it, and this was a
5 good opportunity.

6 Q Did your relationship with Mr. Graham play any role in
7 your decision to ask for a transfer to the Probation
8 Department?

9 A. I would say no. In fact, Mr. Graham left me know not to
10 let Mr. Bolze know that I was interested because they
11 did not have a good relationship. So that was
12 downplayed, the fact I even knew Mr. Graham that well.

13 Q So you downplayed your --

14 A. I didn't mention, you know, I was not coming in saying
15 I'm here because Mr. Graham recommended me. It was none
16 of that.

17 Q And you say you downplayed your relationship with
18 Mr. Graham. Downplayed it to whom?

19 A. Not downplayed it. I -- not to mention to Mr. Bolze
20 that Mr. Graham was -- or Mr. Osenkarski wanted me to
21 come over into that position.

22 Q Did Mr. Graham, in fact, want you to come over to the
23 Probation Department?

24 A. He had spoken to me and Lynn Dickerson about the
25 position, that they needed two probably two females,

1 probably in the case worker or social work field and,
2 you know, criminal justice, that they thought it was a
3 more of a woman type position because it was social
4 work, and whether I was interested or not.

5 Q And when did that conversation occur, Barb?

6 A. That would probably be while Lynn was there doing her
7 internship.

8 Q 1994? During the summer of 1994 --

9 A. Right.

10 Q -- Mr. Graham and Mr. Osenkarski both advised you that
11 these positions were going to come --

12 A. Yes.

13 Q -- in the Probation Department, correct?

14 A. Yes, that's correct.

15 Q And that they thought it would be an appropriate
16 position for a female?

17 A. Yes.

18 Q Did they tell you why they thought it would be an
19 appropriate position for a female?

20 A. I think because it was social-worky aspect, it's more
21 social work because you're dealing with families, a lot
22 of intensive -- part of the Family Preservation was
23 teaching parents parenting programs, that kind of thing,
24 intensively in the home.

25 Q And there were female probation officers at that time?

1 A. Yes.

2 Q Were there any other reasons why you wanted to transfer
3 to the probation?

4 A. As I said, I think it was a whole attitude,
5 Mr. Osenkarski, that it was not a micromanaged. In
6 Children and Youth there was so much meetings, meetings
7 after meetings. It was not so much time out actual in
8 it field as much time as you should be out in the field,
9 where with Probation Mr. Osenkarski left me know that he
10 doesn't micromanage, he depends on his workers to do
11 their job. And to me, that was very interesting because
12 Children and Youth when you first start out you were
13 training, so.

14 Q Did you have any impression from those interviews who
15 you would actually be working with when you were
16 transferred to Probation? If you were accepted for the
17 job.

18 A. Mr. Bolze, of course, was chief. And Mr. Osenkarski
19 was, headed up the juvenile division of the Department
20 at those interviews, the only three people there.

21 Q Was there any discussion about who you would be working
22 for or working with?

23 A. I knew the position would be under Juvenile Probation.
24 It was the grant under the juvenile system.

25 Q And did you know where Mr. Graham was concentrating at

1 that time?

2 A. Yes. He was in Juvenile Probation.

3 Q Did you have an understanding that if hired, it was
4 likely that he would be the person responsible for
5 training you?

6 A. Yes.

7 Q Did you have any reservations about that?

8 A. No, because I knew Mr. Osenkowski was still his boss.
9 And Chief Bolze, I had a lot of respect for him and I
10 knew he was still overseeing the whole group.

11 Q Based on the reputation that Mr. Graham was a hot head
12 and you were either in favor or out of favor, did that
13 cause you any hesitancy or concerns in terms of
14 accepting the job?

15 A. Maybe a little hesitancy, but like I said, I knew Chief
16 Bolze basically kept them in line.

17 Q When was the job formally offered to you and by whom?

18 A. It was offered to me by Chief Bolze, and exactly when, I
19 don't know. Sometime in January.

20 Q And you then told Children and Youth you would be
21 leaving and moving over to Probation, correct?

22 A. That's correct.

23 Q Who did you understand was ultimately in charge of the
24 Probation Department?

25 A. Chief Bolze. Well, Judge Sheely. Judge Sheely at that

1 time.

2 Q And why Judge Sheely?

3 A. Because we were officers of the court and he was the
4 president judge.

5 Q And it was your understanding that Judge Sheely then had
6 ultimate authority over the probation officers in that
7 department?

8 A. Yes.

9 Q And Ken Bolze was the chief of the department and he
10 reported to Judge Sheely?

11 A. For, yes, hiring, firing, those kind of things.

12 Q So you took the job, you started there on February 6,
13 1995, correct?

14 A. I believe it was February 7th, 1995.

15 Q And your salary there would have been \$24,868 when you
16 started; does that sound right?

17 A. That sounds correct.

18 Q Describe for me, if you would, what the hierarchy was in
19 terms of management when you got there on February 7th,
20 1995.

21 A. Chief Bolze was the chief. Mr. Osenkarski was a
22 supervisor and mostly in juvenile work. I believe he
23 did split, too, adult and juvenile. And John Roller was
24 more adult than juvenile.

25 Q Where did Mr. Graham fall in the pecking order?

1 Mr. Graham's leadership or training to anybody?

2 A. At the very beginning, no. In '95, no.

3 Q When did you first complain about any problems with
4 Mr. Graham's leadership or training?

5 A. Whenever I went to Mr. Osenkarski, there was a day that
6 I had taken cases in to Mr. Graham in '96 -- '96, '97.
7 I had taken cases in to him. And I had done everything
8 that was supposed to be done, gotten everything
9 together. And he started screaming at me and said who
10 the F, meaning, do I think I am, making decisions on
11 these cases.

12 When I worked, turned cases in to Mr. Osenkarski, I
13 never had a problem with going ahead and making a
14 decision on what I would recommend for disposition on
15 the juvenile. Suddenly, I had done everything wrong,
16 according to him. He screamed at me, threw me out of
17 his office. And I went to Mr. Osenkarski and I said,
18 you have to get the guy under control. And he said,
19 he's in charge, I put my so many years in with the
20 county and he's in charge.

21 Q When was this?

22 A. It was in '97.

23 Q So from February 1995 when you started until sometime in
24 1997, you never complained about Mr. Graham's leadership
25 or training?

1 A. Not to him. To other people. Other people agreed with
2 me, other staff members, co-workers.

3 Q But you never went up the chain of command to
4 Mr. Osenkowski prior to 1997?

5 A. Like I said, I sought out other help as far as
6 petitions. He was not -- he was not screaming at me or
7 those kind of things, which happened later on. But I
8 was aware that he was inconsistent.

9 Q We'll come back to that in a minute. But what do you
10 attribute the change of behavior to?

11 A. Whenever Chief Bolze retired and we split adult and
12 juvenile and there was not that person who could
13 basically keep the lid on Mr. Graham, which would have
14 been Chief Bolze. It was now only Mr. Osenkowski.

15 Q Up until the time of Bolze's retirement, you and
16 Mr. Graham had a good relationship?

17 A. Working relationship.

18 Q And would you describe it as no better than a working
19 relationship?

20 A. I would say no better than that, no.

21 Q When did Bolze retire?

22 A. August of '96.

23 Q So from February 1995 until August of 1996 you had no
24 particular problem with Mr. Graham?

25 A. Not with any nasty or yelling at me, no.

- 1 A. Mr. Osenkarski was part of that suit. He would be the
2 next in line to complain to, and I chose not to. Again,
3 punishment issue.
- 4 Q Could you have taken your complaint to Judge Sheely?
- 5 A. In hindsight, he probably wouldn't have done anything.
- 6 Q Could you have taken the complaint to him?
- 7 A. I could have.
- 8 Q There was nothing that prevented you from doing that,
9 was there?
- 10 A. No. No.
- 11 Q In fact, you never complained to Judge Sheely about the
12 treatment you received from Mr. Graham, did you?
- 13 A. No, not until after.
- 14 Q Not until after you filed the --
- 15 A. Right.
- 16 Q -- EEOC Complaint?
- 17 A. Right.
- 18 Q But you did understand that Judge Sheely was the head of
19 the Probation Department, didn't you?
- 20 A. Certainly.
- 21 Q In paragraph H you make reference to a conversation that
22 you had with Mr. Graham involving seniority and the need
23 to satisfy all parties involved.
- 24 A. Yes.
- 25 Q Do you recall that conversation?

1 Q So the basis for him screaming at you had to do with his
2 assessment of your performance?

3 A. Yes.

4 Q And he was unhappy with your performance, he told you --
5 screamed at you and told you to get out of his office?

6 A. Threw me out of his office.

7 Q Did he give you any instructions in terms of how he
8 wanted you to do it differently?

9 A. No.

10 Q So just threw you out of the office over a performance
11 issue. You then went to Mr. Osenkarski in February
12 March, and said, you've got to get this guy under
13 control?

14 A. Right.

15 Q What details did you give Mr. Osenkarski in February
16 March of 1997 about Graham's behavior?

17 A. He had been back in the office to begin with when I had
18 started discussing this case with Mr. Graham. And I had
19 looked to Mr. Osenkarski, I said, is this not the way we
20 always proceed, the same thing we've always done? And
21 he said, yes, but Mr. Graham's in charge. He verified
22 that that, indeed, was the way, you know, when we turned
23 cases in to Mr. Osenkarski that he was fine with it, but
24 Mr. Graham was in charge.

25 Q So if I understand correctly, there was an issue about

1 the manner in which you were doing some paperwork, I
2 guess?

3 A. Right.

4 Q Graham started to challenge you, Osenkarski was present.
5 You said to Osenkarski, isn't this the way we always do
6 it?

7 A. Um-hum.

8 Q And Osenkarski said, yeah, but Graham's in charge?

9 A. And he exited and went to his office.

10 Q Graham then proceeded to scream at you?

11 A. Right, and threw me out of the office.

12 Q Over the manner in which you were doing certain
13 paperwork?

14 A. Right.

15 Q Threw you out of the office and you went to Osenkarski?

16 A. Osenkarski's office.

17 Q And said, you've got to get this guy under control?

18 A. Absolutely.

19 Q Was there any solicitation of sex involved?

20 A. No.

21 Q What was it about the conversation or comments by
22 Mr. Graham that you found to be demeaning? If you did.

23 A. Telling me that I wasn't doing -- like I said, things
24 that I had done before were okay, now all of a sudden
25 they were not okay. The yelling at me, not even

1 Q Did you ever hear him use the fuck word with Osenkarski
2 or Bolze?

3 A. No.

4 Q How about anybody else?

5 A. Yes, he would. Just in conversation, describing things,
6 not in an angry manner.

7 Q So he used the fuck word as part of his regular
8 vocabulary?

9 A. I wouldn't say regular, but you heard it occasionally.

10 Q How about any other swear words, was there anything else
11 that was part of the vocabulary?

12 A. Not that I can recall.

13 Q So the principal word that you heard or at least
14 remembered was fuck?

15 A. Seemed to be.

16 Q Is there anything else in 17 A through E that we haven't
17 talked about?

18 A. I don't believe.

19 Q In paragraph 19 you allege that Mr. Osenkarski also is
20 guilty of harassment, correct?

21 A. That's correct.

22 Q Let's look at those allegations, if we could. In 19 A
23 you say he called attention to your gender and made
24 inappropriate comments about other females.
25 Specifically, what did he say?

1 A. He made the comment when I was standing at the door of
2 our office talking to another probation officer, Mike
3 Varner, he walked past -- Mr. Varner and I had no
4 relation -- were engaged in a conversation, and he just
5 walked past and he said about a female intern's breasts,
6 that she had a nice said of jehoopees, and then
7 continued to walk out the door.

8 Q Did he ever make any inappropriate comments with respect
9 to you personally?

10 A. No.

11 Q Other than this one episode where he made a comment
12 about the young girl's breasts, were there any other
13 episodes where Mr. Osenkarski said something that you
14 thought was inappropriate?

15 A. Yes. There was a time that Mr. Osenkarski was
16 discussing his girlfriend's genital area, Debra Green
17 was a witness to this, that he spoke about when he was
18 canning hot peppers that their fingers would get hot,
19 and he had learned his lesson about inserting them in
20 her because it burned her. And this comment was made,
21 Ms. Green heard this and there was other secretaries
22 there.

23 Q When did that occur?

24 A. I'd say '98. I'm speculating on this date. '99.

25 Q Was that something else that you also noted on your

1 notepad?

2 A. Yes. Correction. It looks in here it says in September
3 of 2000 when he made that comment.

4 Q That was September of 2000?

5 A. Yes, according to my reporting.

6 Q So the inappropriate comments made by Chief Osenkarski
7 from the time you joined the Probation Department in
8 February of '95 until September of 2000, a period of
9 five years, you can identify two, correct?

10 A. No, there are others.

11 Q Okay.

12 A. On September 12th, 2000, Mr. Osenkarski informed two new
13 female probation officers they would have to dance on
14 the table at their first staff meeting. Ms. Green heard
15 this comment. It was a staff meeting that was about to
16 begin.

17 Q So we're now up to three; is that correct?

18 A. There was also Mr. Osenkarski commented to a new female
19 probation officer that hysterectomies ruin women. To my
20 knowledge, I was possibly the only one in the office
21 that had that.

22 Q Did he know that you had had a hysterectomy?

23 A. Yes, he did.

24 Q Did you interpret that comment as being directed to you
25 personally?

1 A. Yes, I did.

2 Q Was he looking at you when he said it?

3 A. No. I was not present when he said that.

4 Q You were not present?

5 A. No, I was not. I was --

6 Q How did you learn of the comment?

7 A. The girl herself told me, Gail Schuhart, a probation
8 officer. Mr. Osenkarski would tell Ms. Schuhart that
9 she reminded him of his ex-wife.

10 Q Was that somehow inappropriate?

11 A. She was uncomfortable.

12 Q Ms. Schuhart was?

13 A. Yes.

14 Q The comment about dance on the table?

15 A. Yes.

16 Q What is it about that comment that you find offensive?

17 A. It's demeaning. I don't believe he ever told men, guys
18 that they had to dance on the table at the first staff
19 meeting. You usually don't see guys dancing on tables.
20 That's probably presumed by most people it's
21 provocative.

22 Q Was that said in jest?

23 A. I was not there. Debra Green was there when it happened
24 as well as other probation officers.

25 Q So you were not present to hear that comment, either?

1 A. No, I was not.

2 Q Were you aware of any of the new female probation
3 officers that actually had to dance on tables?

4 A. No.

5 Q Are you aware of any female that ever danced on a table
6 at any probation meeting?

7 A. Not that I know of, no.

8 Q So of the allegations contained in your paragraph 19,
9 you were present for the comment about the intern's
10 breasts, correct?

11 A. Correct.

12 Q Were you present for any of the other comments?

13 A. No. I was just informed about those.

14 Q Okay. So in your presence, the only comment that was
15 made by Mr. Osenkarski amounted to the comment about the
16 young girl's breasts, right?

17 A. Yes.

18 There was one other incident where I was at a
19 training with Mr. Osenkarski and Mr. Graham in Penn
20 State, and it was on sexual, juvenile sexual offenders I
21 believe is how it was defined. And Mr. Osenkarski had
22 on him a Bic lighter, Bic type lighter, and when he
23 flicked it, it was a penis. And he flicked it at the
24 female presenter several times.

25 Q When was that?

1 angry. And we were always told ahead of time even
2 before that, just letting us know what they had done to
3 people before, Mr. Osenkarski, Mr. Graham, that they
4 punished people. They liked to say that.

5 Q Was this '96-'97?

6 A. Even before -- well, after I -- once I started there,
7 these are comments I heard.

8 Q From February '95 on?

9 A. Right, about the punishment phase.

10 Q Mr. Graham no longer has any supervisory
11 responsibilities over you; is that correct?

12 A. No, he did not.

13 Q And hasn't had since the summer of '97? Let's approach
14 it this way.

15 A. Right.

16 Q Sometime after you filed your Complaint --

17 A. Right.

18 Q -- you received a letter, did you not, removing all
19 supervisory responsibilities with respect to Mr. Graham?

20 A. Yes, I did. It would have been spring of '97, I think.
21 Late spring, probably.

22 Q And we'll get to that at some point.

23 A. Okay.

24 Q And Mr. Osenkarski, of course, has remained in the
25 Department throughout, correct?

1 A. Yes, he has.

2 Q Has he retaliated against you in any fashion whatsoever?

3 A. Not directly, no.

4 MR. THOMAS: Let's take a couple of minutes, okay?

5 (Recess taken from 3:31 until 3:44 p.m.)

6 BY MR. THOMAS:

7 Q Barb, before we took the break you were talking a
8 minute ago about the comments or concerns involving
9 Mr. Osenkarski, and remember, we reviewed those and you
10 were only personally present for one of those, as I
11 recall. Do you recall that conversation? It's
12 paragraph 19 of your Complaint.

13 One of the things I forgot to ask you there was,
14 you indicated that other probation officers informed you
15 of the comments that he had made.

16 A. Yes.

17 Q Who were those probation officers?

18 A. As regard to E would have been Debra Green. D would be
19 Debra Green observed it. The two females would have
20 been Gail Schuhart and Jill Grim-Rhoads, that's
21 hyphenated.

22 MR. MacMAIN: Would you repeat that last name?

23 THE WITNESS: Grim-Rhoads, G-R-I-M-E, hyphen,
24 R-H-O-A-D-S, I believe.

25 C would have been Gail Schuhart. I think I already

1 said that.

2 And that would --

3 BY MR. THOMAS:

4 Q Let's go back to paragraph 20, now, I believe is where
5 we were. In D you make reference to seniority problems.
6 There was a dispute at one point, was there not, over
7 whether probation officers got credit for all county
8 time or only time in the Probation Department; is that
9 correct?

10 A. After we split, after we became juvenile and adult.
11 Prior to that, they had already established a policy.

12 Q And that dispute arose, and as I understand it, you
13 correct me if I'm wrong, I gather that seniority problem
14 has been solved to your satisfaction?

15 A. No. I'm still below on the seniority list. I'm still
16 below the gentleman who I had been above when I was
17 hired.

18 Q Based on total time?

19 A. Yes.

20 Q And who is that gentleman?

21 A. That's William Brandt.

22 Q And the dispute centers around whether or not a
23 probation officer, in terms of seniority, gets credit
24 for all time while employed in any branch of county
25 government, or whether the only time that applies is the

1 Probation Department, correct?

2 A. That's correct.

3 Q And you say that still has not been solved to your
4 satisfaction?

5 A. No. I'm still below him. I had -- when I first started
6 with Probation I was above him, and then he was moved
7 down when we split. Well, not when we split, whenever
8 the -- yes, when the seniority list was changed.

9 Q And what aspects of your employment does that seniority
10 list affect?

11 A. It could be an on-call. We have to go by seniority when
12 you put down for on-call. Any kind of promotion has
13 always been historically longevity. And I think it's --
14 I don't know of any other times that promotions were not
15 based on longevity and, well, seniority list. And so
16 that would affect me when that occurs.

17 Q Have you ever been passed over for a promotion?

18 A. When the senior -- a senior probation officer position.
19 And I said, wait a minute, that I had more seniority
20 than Bill Brandt.

21 Q Are you now a senior probation officer?

22 A. Yes, I am.

23 Q When were you made a senior probation officer?

24 A. I don't know the exact date. '98, I believe.

25 Q How about May 7, 1998?

1 A. Okay.

2 Q When did you think you were eligible to become a senior
3 probation officer before that?

4 A. They had promoted -- they had -- Mr. Osenkarski had
5 posted that Mr. Brandt would be a senior probation
6 officer, and I'm not sure when that had happened, but it
7 was in the prior probably six-month period.

8 Q Do you know as a matter of fact or is it merely your
9 suspicion that you weren't promoted to a senior
10 probation officer at the same time as Mr. Brandt? That
11 was a very awkward question. Do you understand it?

12 A. No, I don't. Would you rephrase that?

13 Q What I want to know is why you believe that Mr. Brandt
14 was made a senior probation officer before you were.

15 A. They changed the seniority list, one thing, and put him
16 above me. So again, the seniority.

17 And also, Mr. Graham had told me that I didn't need
18 it as much as Mr. Brandt did, that I had a rich husband,
19 and that Mr. Brandt -- I'm sorry, and Mr. Brandt would
20 have a family, eventually get married and have a family
21 and he would need it more than I would.

22 Q Do you know as a matter of fact that Mr. Brandt was made
23 a senior probation officer before you were?

24 A. He was, until I complained.

25 Q And then what happened?

1 A. Then I guess there was discussion about that,
2 Mr. Osenkarski and -- I don't know who all. All I know
3 is discussion was held and that seniority move was put
4 on hold.

5 Q What was the end result?

6 A. We were both promoted. He still remained senior to me,
7 though.

8 Q So you were both made senior probation officers at the
9 same time?

10 A. Yes.

11 Q What other effect has it had on your employment, if any?

12 A. At this point, nothing. It's just potential, as I said.
13 If there's promotions, looking at the seniority list, he
14 is above me.

15 Q Is he the only one that's affected?

16 A. Yes, he is.

17 Q In paragraph 21 of your Complaint you indicated that you
18 complained about harassment, sexual harassment by Graham
19 and Osenkarski to Mr. Hartnett on April the 8th, 1997.
20 You see that allegation in paragraph 21?

21 A. Yes, I do.

22 Q Is that, in fact, the first time that you filed a formal
23 complaint?

24 A. That's the first time I went down and spoke to
25 Mr. Hartnett about that, yes.

1 typed down.

2 A. Yes. I'm sorry.

3 Q There were some questions asked by Jim Thomas yesterday
4 that I'm going to remind you of today just to have you
5 either elaborate on them or explain more fully. Is that
6 okay?

7 A. That's right. That's fine.

8 Q I'd like to start off with some of those questions.
9 Yesterday you testified that for the first year and a
10 half with the probationary department, the Probation
11 Department, excuse me, Joe Osenkarski was very
12 complimentary of your work. Do you remember saying
13 that?

14 A. He didn't appear to find any problems with my work.

15 Q Okay. And can you explain what you mean by
16 complimentary of your work?

17 A. My first evaluation I received from Joe I had worked
18 with the grant for Family Preservation, he had told me
19 during my first evaluation he was pleased with how that
20 program was going. It was a one-year grant at that
21 time, and he was pleased with my work.

22 If I turned in a file to Joe, I really had no
23 problems with that. Joe was fair. When I first started
24 Probation I was very pleased with Joe. His criticism
25 was not even -- he really was not a critical type

1 person. He would make adjustments, corrections, in a
2 very appropriate way. No, I had no problems with Joe
3 when I would turn cases over to him, just to approve,
4 that kind of thing.

5 Q Okay. Did that understanding of Joe's complimentary,
6 complimenting of your work, last your entire stay with
7 the Probation Department, including up to current
8 status?

9 A. My evaluations from Joe have always been okay, they've
10 been fine. Joe as the chief, he's not the one doing my
11 major evaluations now, he's part of it. But my
12 evaluations, the last one I had was done by Hank
13 Thielemann and Tom Boyer, and then Joe signed as well,
14 as chief.

15 Q When did Mr. Osenkowski stop doing your evaluations?

16 A. Mr. Osenkowski has always been part of my evaluations
17 because he is the chief, so he still has to sign off on
18 them. And I'm sure he's told, you know, informed of
19 what my evaluation is. So he's still involved.

20 Q Okay. I want to take you back a little bit a ways
21 before you joined the probationary department. Is that
22 okay?

23 A. Okay.

24 Q I keep saying probationary. Probation Department.

25 When you found out about the job vacancy there, and

1 you testified yesterday that prior to working there you
2 actually sought out Mr. Osenkarski and you wanted to
3 discuss your interest in the job vacancy with
4 Mr. Osenkarski. Do you remember that time period?

5 A. I remember discussing with him about the position, yes.

6 Q Okay. Why did you choose to go Mr. Osenkarski about
7 your job interest?

8 MS. WALLET: I'm sorry, I missed that. Was it why
9 or when?

10 MR. ADAMS: Why.

11 THE WITNESS: Because Mr. Osenkarski was head of
12 the juvenile division in Probation. We were combined
13 but still he was part of that division. The Family
14 Preservation program would be under the juvenile
15 program.

16 BY MR. ADAMS:

17 Q Okay. Your understanding at that time was still that
18 Judge Sheely was in charge of Probation, of the
19 Probationary Department; is that correct?

20 A. I don't even -- I'm not sure if I was even aware of the
21 whole hierarchy at that time. I knew it would be
22 Probation. Who exactly they answer to, probably, but I
23 can't say for sure that I knew that, that specifically.

24 Q When you talked to Mr. Osenkarski were you comfortable?

25 A. Yes, I was.

1 Q Okay. Was he helpful?

2 A. Yes, he was.

3 Q Okay. Was he informative?

4 A. Yes, he was.

5 Q Okay. Do you believe that he had any influence at all
6 in your receiving the job ultimately with the Probation
7 Department?

8 A. I believe he did, because he was one of the three
9 gentlemen who interviewed me for my interview, my
10 original interview with them.

11 Q Okay. In that line, can you explain that process when
12 you, in fact, did interview for the Probation
13 Department?

14 A. I sat down with Mr. Osenkowski, John Roller, who was
15 with the adult section, and Ken Bolze who was the chief,
16 and they interviewed me just about how I felt about -- I
17 remember one time they asked about dealing with violent
18 offenders, how I felt about that, sort of my philosophy
19 in coming to the program, what I saw with Family
20 Preservation, and my, of course, my background, what my
21 schooling was in. I had to provide a resume.

22 Q Okay. And that's all the interview process that you
23 went through at the time?

24 A. That I went through? Yes. Yes.

25 Q Okay. Did Mr. Osenkowski by chance recommend you for

1 your current position of senior probation officer?

2 A. It would have had to be him. He was the chief.

3 Q Okay. Could anyone else have made that decision for you
4 or on behalf of you?

5 A. Joe would have the ultimate say in recommending that.

6 Q Okay. Did Gary Graham by chance, I guess, was Gary
7 still involved with your supervision around this time?

8 A. No, he was not.

9 Q This was after that?

10 A. Right, it was after that.

11 Q Okay, thank you.

12 By chance, did Mr. Osenkarski also have any
13 influence in recommending a job for your son? I think
14 at the Stafford Detention Center, is that the place?

15 A. Schaffner Detention Center.

16 Q Schaffner? Okay. Did Mr. Osenkarski help in that or
17 assist in that in any way?

18 A. Not that I'm aware of.

19 Q Did he discuss with you the opportunity for your son to
20 be employed with that particular detention center?

21 A. I don't believe Mr. Osenkarski mentioned it. I know his
22 daughter had, when she had started working there, I know
23 she had gotten a job later at the same place, but I
24 can't remember whether he discussed it prior to or after
25 my son getting the job, I don't remember that.

1 MR. ADAMS: I have a few more questions. It won't
2 take long.

3 BY MR. ADAMS:

4 Q Ms. Varner, do you have any correspondence, notes,
5 memos or any document or piece of evidence at all
6 supporting your claim that Mr. Osenkowski's conspired
7 against you in violation of PHRC?

8 A. I don't have paperwork. I've just heard that he's had
9 conversations with Judge Hoffer.

10 Q Who did you hear that from?

11 A. At this time I can't recall names. It's just been
12 information, word of mouth in the office.

13 Q Okay. So would you agree at this time you can't
14 identify any witness person at all to support your claim
15 that can testify and support your claim that
16 Mr. Osenkowski has conspired against you in violation of
17 PHRC? Is that correct?

18 MS. WALLET: I'm sorry, did you say witness?

19 MR. ADAMS: Witness or person who can testify in
20 support of her claims of a violation by Mr. Osenkowski.

21 THE WITNESS: I think the fact that I was kept out
22 of that office for four years, and that was a discussion
23 between Mr. Osenkowski and Judge Hoffer, I think
24 whatever that discussion was, Mr. Osenkowski I'm sure
25 and Judge Hoffer was aware that it was a public office.

1 I'm sure there was discussion, and to me, that was a
2 retaliation.

3 BY MR. ADAMS:

4 Q But did you hear that discussion? Did you hear any
5 remnants of that discussion yourself?

6 A. From Mr. Osenkarski, yes.

7 Q You heard from Mr. Osenkarski that he was going to
8 conspire against you?

9 A. Well, no. That he had met with Judge Hoffer and that he
10 had been given this direction to keep me out of there.
11 To me, even those two talking about it is something that
12 is illegal to keep me out of a public office.

13 Q But you don't know, yourself, from anything you heard,
14 that Mr. Osenkarski conspired against you in violation
15 of the PHRC; is that correct? Yes or No.

16 A. I'm just trying to think.

17 I did not personally witness that.

18 Q And you can't identify any person at all who witnessed
19 or heard any type of conversation by Mr. Osenkarski or
20 Judge Hoffer that would be in violation of the PHRC
21 based on conspiracy?

22 A. I think those two would be the ones to be able to
23 testify because it would have been private information,
24 private conversations.

25 Q Would you agree that's strictly related to conversations

1 between Judge Hoffer and Mr. Osenkowski, so only one of
2 the two of them or both of them can testify to that?

3 A. That's correct.

4 Q Okay. And do you have any correspondence, note, memo,
5 documentation or any shred of evidence at all supporting
6 your claim that Mr. Osenkowski purposely left you in the
7 building during the bomb threat that you spoke of?

8 A. There was no effort to get me out and he knew I was
9 there.

10 Q Well, I'm sorry. The question is: Do you have any
11 documentation, any note, correspondence, any memo,
12 anything that you can turn to as a piece of evidence to
13 say this supports your claim?

14 A. That he actually said I'm going to leave her behind?
15 No.

16 Q Okay.

17 A. I don't have that, but I believe there was well -- he
18 was well informed, he knew I was there. He had all
19 reason to believe I was there.

20 Q Okay. Can you identify any person at all that can
21 testify to support your claim that Mr. Osenkowski
22 purposely left you in the building during the bomb scare
23 you spoke of?

24 A. I would not have any witnesses except my own testimony
25 that I was left behind and he knew I was there.